**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH**
**AT HYDERABAD**

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
**THE HON'BLE MR JUSTICE S.ANANDA REDDY**

**WRIT PETITION NO : 10189 of 2004**

Between:

Daggumalli Koteswararao, S/o.Raghavaiah,Prop.Venkateswara Cotton Traders, R/o.H.No.4-7-116, Koritipadu,Guntur.

..... PETITIONER

AND

1 The General Manager The Guntur Dist.Cooperative, Central Bank ltd.,2/13, Brodipet, Guntur.
2 The Branch Manager, The Guntur Dist.Cooperative, Central Bank ltd., 2/1, Brodipet, Guntur, Guntur Dist.
3 The Senior Inspector/Sale officer, The Guntur Dist.Coop. Central Bank Ltd., Ponnur,Guntur Dist.
4 The Dy. Registrar/officer on Special Duty, The Guntur Dist.Cooperative Central Bank Ltd., 2/1, Brodipet, Guntur, Guntur Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of the writ of Mandamus declaring the action of the respondent No.3 in passing the orders dt.11.6.2004 for setting off the mortgaged property against the loan amount without issuing the proper notice mentioning the exact due amount and by levying exorbitant rate of interest in contrary to the A.P. Cooperative societies Act and without considering the case of the petitioner for the one Time settlement Scheme is illegal, arbitrary, unconstitutional and against to the principles of natural justice and violation of the fundamental rights guaranteed under Article 14 & 21 of the Constitution of India and consequently set-a-side the order dt.11-6-2004 passed by the 3rd respondent in E.P.No.2/2000-01 and direct the respondents to consider the representation dt. 26.05.2004 submitted by the petitioner for the grant of benefit under One Time settlement scheme.

For the Petitioner: Mr.KIRAN KUMAR VADLAMUDI, Advocate

For the Respondents: MR.VENKATESWARLU POSANI, S.C for

Cooperative Central Bank.

**The Court made the following ORDER:**

This writ petition is filed by the petitioner against the order of the third respondent dated 11.06.2004, under which the properties of the petitioner were set off for the recovery of the loan amount due from him.

2. According to the petitioner, he was not given any opportunity before passing the impugned order dated 11.06.2004. Therefore, the petitioner has come up with the present writ petition.

3. However, after hearing the arguments, the learned counsel for the petitioner represented that the petitioner would like to avail the alternative remedy of appeal before the Tribunal and sought to withdraw the writ petition.

4. Under the above circumstances, the writ petition is dismissed as withdrawn with a liberty to avail the remedy of appeal. No costs.

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22.06.2004
va

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The General Manager The Guntur Dist.Cooperative, Central Bank ltd.,2/13, Brodipet, Guntur.
2 The Branch Manager, The Guntur Dist.Cooperative, Central Bank ltd., 2/1, Brodipet, Guntur, Guntur Dist.
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3 Two CD copies